

MICHIGAN STATE WATERWAYS COMMISSION
REGULAR MEETING

Minutes of the meeting of
April 16, 2004
St. Joseph City Hall
Commission Chambers
St. Joseph, Michigan

A regular meeting of the Michigan State Waterways Commission was called to order by Chairman Opolka at 9:00 a.m. on Friday, April 16, 2004, in the St. Joseph City Hall Commission Chambers, St. Joseph, Michigan. The following Commissioners were present:

Frank Opolka, Chairman
David V. Johnson, Vice-Chairman
Janet Mansfield
Carol B. Oakley
John Winn

Commissioners David Giffin and Curtis Hertel, Sr., were excused.

Lowen Schuett, Acting Parks and Recreation Chief, and Lansing staff were present.

Chairman Opolka thanked the City of St. Joseph for their hospitality and the use of their Commissioner Chambers. City Manager Frank Walsh introduced Mayor Goff, who thanked the Waterways Commission for their past grant support and interest in their community.

Public Appearances – Chairman Opolka asked if anyone in attendance wished to provide testimony before the Commission during the Public Appearance portion. All in attendance indicated they wished to speak during their designated time on the agenda.

Upon motion of Commissioner Winn, seconded by Commissioner Mansfield, the minutes of the February 20, 2004 meeting in East Lansing were approved.

Project Status Report – Power Point Presentation

South Haven Municipal Marina – Mr. Bill Boik, Department of Natural Resources reported that the South Haven Municipal Marina project was nearing completion. Ms. Robin Abshire, City of South Haven Director for Leisure Services, and a representative from American Marine Company, commented on the project stating the number of slips remained the same at 97 as the new harbor was a duplication of the old harbor.

Cedar River Marina – Mr. Boik stated the project at Cedar River was running somewhat behind schedule as some land acquisition issues needed to be worked through local channels.

Hammond Bay – Mr. Boik noted there was ice damage to the pier at Hammond Bay and needed repair. In addition, a new comfort station was needed.

Naubinway Marina – Mr. Boik stated that Naubinway Marina project had gone through the bidding process and the state was currently certifying bids before awarding the \$400,000 project.

Lake Cora Boating Access Site on Bankson Lake – Mr. Boik stated that the boating ramp was unusable due to low water levels.

North Shore Boat Launch near Escanaba is now 99% complete.

Mr. Boik stated the Charlevoix project is currently in the engineering phase.

Whitefish Point – Mr. Boik reported that the State of Michigan is discussing a Memo of Understanding (MOU) with the 1836 tribes regarding Whitefish Point. As it stands, the tribes have committed to fund the construction of a separate dock at Whitefish Point for their commercial fishing operations. The intent is to allow more access for recreational anglers. Mr. Boik expressed our appreciation that current leadership in CORA (Chippewa Ottawa Resource Authority) has opened more avenues of communication.

Crystal Lake Boat Launch in Benzie County- Mr. Boik noted that the Department of Environmental Quality (DEQ) is ready to issue the required permits, with the stipulation that the DNR must mitigate a wetlands site. This permitting process has been highly controversial, as there has been vocal minority in opposition to the plan. Mr. Boik stated that the response from the majority has been positive. He believes the project is ready to go out to bid and will be complete within 6 months of bid letting.

Commissioner Opolka believes it would be prudent to schedule the August, 2004 Waterways Commission meeting in Escanaba. The delay in completion of the Cedar River project is such that the Commission will not be able to dedicate the harbor in August. Instead, he suggests that the Commission tour the North Shore project in Escanaba.

Operations Status Report – Mr. Harold Herta, Parks and Recreation Operations Unit Supervisor, provided the Commission with an update on the Central Reservation System (CRS). Mr. Herta stated that the City of Rogers City will be on-line on April 1, 2004. He also provided information on contract vendor training schedules for the months of April and May. Finally; Mr. Herta stated that the DNR plans to institute additional point of sale improvements during this boating season which will allow harbors to track fuel and other items sold and can then be integrated into a clear and concise reporting system.

Chairman Opolka asked Mr. Herta to send information on how to become part of the Central Reservation System to those who had inquired about the program.

Commissioner Winn touted the CRS program stating that it is excellent system.

Facilities Committee

Commissioner Oakley attended the Facilities Meeting on April 15. Chairman Opolka also attended on behalf of Commissioners Giffin and Hertel who were unable to attend.— Commissioner Opolka stated that due to delay in completion of the Cedar River Harbor, the August Waterways Commission meeting would be moved to Escanaba.

Commissioner Oakley stated the Facilities Committee met with officials from Sebawaing regarding their harbor. This will be an agenda item in May.

Mr. Lowen Schuett, Acting Chief, Parks and Recreation, stated that the DNR and the Village of Lexington have met and agreed to the process of appraising the harbor in Lexington. He said the lease stipulates that the state is able to continue to operate the harbor for this year; Mr. Boik stated that the lease has some very unique language in that it provides for an option for the Village to buy out the Harbor at the end of the 30 year life of the lease. The Village has chosen to pursue this option. Commissioner Winn inquired if the local community has an understanding of the costs involved in a buy out. Mr. Schuett replied that the DNR has made them aware of the scope of the acquisition. He stated the Village is still on the Central Reservation System.

Linda Burnham, Assistant to the Michigan State Waterways Commission, discussed the Dedication of the Tri-Centennial State Harbor and Phase One of Tri-Centennial State Park which will be held on Thursday, May 20, 2004 at 2:00 p.m. in Detroit. Ms. Burnham stated that this event is being hosted by the Michigan State Waterways Commission, and that Governor Jennifer Granholm and Detroit Mayor Kwame Kilpatrick will be the keynote speakers.

New Business

City of Alpena – Alan Bakalarski, City Manager and Eric Cline, Assistant City Manager appeared and introduced Rich Sullenger and Rich McTaggart, Thunder Bay Shores. Mr. Bakalarski presented the Commission with a report which fulfilled a request made by the Commission at the February 20, 2004 meeting. He thanked the Commission for their past support and looked forward to future waterways projects. The City of Alpena is requesting the conversion of 41 transient slips to seasonal use for the next five years. He also stated that he has instructed their harbormaster to provide 20 slips as auxiliary slips to ensure that transient boaters would not be turned away. Alpena's goal is to attract more transient boaters although they are aware that their location creates an impediment in realizing this goal. He assured the Commission that the City of Alpena will continue to work with the Central Reservation System.

Mr. Cline stated that since last Waterways Commission meeting, he has met with Mr. George Burgoyne and Mr. Harold Herta. The meeting was productive and results of the meeting have been provided to the Commissioners in their packet.

In response to an inquiry, Mr. Cline stated that there are no private marinas in the area, therefore the City marina is not in competition with anyone. He further stated the City of Alpena will monitor the situation and adjust as needed. The plan is to inter-mix seasonal and transient boaters, keeping in mind that many transient boaters request a slip near the comfort station.

Commissioner Oakley was assured the City of Alpena will reserve dock space for those boats 45 feet and longer and that power and water are available to those docked on the wall.

The Commission expressed their concern related to their obligation to protect public interest and, to that end, they recommended that a mix of slips be offered so that boaters can have a choice for their slip location.

Mr. Herta stated the Department supports the use of auxiliary slips so as to ensure that no transient boaters would be turned away. He described this as “phantom inventory”, meaning there is no specific size or location for the slips, but they can be identified when the need arises to place boaters and track the transaction.

Upon motion by Commissioner Oakley, seconded by Commissioner Winn, and amended by Commissioner Johnson to keep a variety of slips available to transient boater, it was unanimously,

RESOLVED, that the Waterways Commission does hereby approve the City of Alpena’s variance request for the conversion of 41 of the city’s 77 transient slips to seasonal for a period of 5 years, contingent on the City of Alpena providing annual reports to the Commission verifying transient use and methods used to insure that no transient are turned away.

City of Bay City requested a variance to increase transient fees and seasonal fees by 5 per cent at the Liberty Harbor Marina in Bay City. The City of Bay City also requested a \$50.00 insurance fee for seasonal watercraft. This cost is built into their seasonal rates. A request was also made for a variance to charge a \$5.00 short term mooring fee when, for example, boats are moored along floating docs for short periods of time (less than 4 hours) and to charge a fee of \$5.00 replacement parking sticker. In addition, the City requested approval to continue the practice of managing 50 of the 100 available slips for seasonal boaters, and renewing a variance to price eight 45 foot slips at the 38 foot rate.

Upon motion by Commissioner Winn, seconded by Commissioner Johnson, it was unanimously,

RESOLVED, that the Waterways Commission does hereby approve the requests by the City of Bay City to increase transient fees and seasonal fees by 5 percent; to allow a \$50.00 insurance fee for seasonal watercraft; to allow for a \$5.00 short term mooring fee and for a fee of \$5.00 for a replacement parking sticker.

City of Boyne City requested permission to charge a reduced rate of \$1,028.00 for seasonal dockage on the floating pier at Boyne City Municipal Marina. Upon motion by Commissioner Johnson, seconded by Commission Winn, it was unanimously,

RESOLVED, that the Waterways Commission does hereby approve the City of Boyne City's request of a variance for a reduced rate of \$1,028.00 for the floating pier section. In addition, a report detailing the five year history of seasonal users at this location must be provided to the Commission at the end of the 2004 boating season.

Commissioner Winn stated he has encouraged the City of Boyne City to apply for grants available through the Waterways Commission.

Mr. Sec Garcia, Community Services Director for the City of Grand Haven appeared to speak on behalf of the City of Grand Haven's requests before the Commission. Mr. Garcia also notified the Commission that several events for which the Commission had provided approval in October, 2003, have been canceled, in particular, the 2004 Trawler Fest and the Great Lakes Silver Boat Series. He said the West Michigan Powerboat Association still plans to hold their powerboat race.

Mr. Garcia stated the City of Grand Haven is looking for guidance from the Waterways Commission regarding the use of their public, Grant in Aid facility by private local land-locked marinas who use the public facility to launch their customer's vessels. Mr. Garcia said the City of Grand Haven allows private marinas to either pay a daily fee to launch private vessels or allows them to utilize a yearly pass to do so. The City desires to have a uniform policy which would require the purchase of two days passes when using the launch and to deny commercial users the use of seasonal passes.

Commissioner Winn believes this is an important issue, but believes it is one where the marinas located directly on the water are creating barriers for land-locked marinas. He stated he is most concerned about the average citizen and their access to launch facilities. He believes this issue requires a long term review to assess the pros and cons. Commissioner Winn favors charging an annual commercial fee.

Mr. Boik stated that because of potential damage to the ramp and asphalt, larger boats are not allowed to launch at state facilities as these facilities were not designed for large boat launches. He said that anything wider than 8.5 feet should be launched from a private on the water marina.

Commissioner Oakley believes there should be a posted DNR regulation that boats over certain beam cannot utilize certain facilities. Commissioner Winn believes this would create a firestorm and that this issue is best left to the locals. He believes each community can assess their particular situation and appear before the Commission on an as needed basis.

It was decided that the Facilities Committee would review this situation and provide a recommendation to the Commission at a future meeting.

Mr. Garcia said the City of Grand Haven would withdraw their request for twice the daily fee and would continue to issue a seasonal pass until the Commission reviews the situation and takes action.

The City of Grand Haven also requested the exclusive use of 31 slips from September 17, 2004 – September 19, 2004 for a fishing tournament sponsored by the Salmon and Songfest Festival. They also requested the exclusive use of 25 slips from August 13, 2004 – August 15, 2004 for the West Michigan Power Boat Association.

Upon motion by Commissioner Winn, seconded by Commissioner Mansfield, it was unanimously,

RESOLVED, that the Waterways Commission does hereby approve the exclusive use of 31 slips from September 17, 2004 – September 19, 2004 for a fishing tournament sponsored by the Salmon and Songfest Festival and for the exclusive use of 25 slips form August 13, 2004 – August 15, 2004 for the West Michigan Power Boat Association event contingent on the city providing a report of transient activity during the second weekend of August for the past 5 years. Also, the city must provide a report on the number of transient boats that are turned away during both events.

Commissioner Oakley asked when the report of transient use of past 5 years when will be provided to the Commission. Mr. Herta stated the report is given at the end of the boating season. He said modifications can be accomplished at that time.

Commissioner Winn requested that DNR staff provide the Commission with copies of the FY 2004-2005 Appropriations Bill when available.

Opolka recognized Representative Charlie LaSata who welcomed the Commission to the community.

The meeting was adjourned at 10:25 a.m.

As currently scheduled, the next Waterways Commission Meeting will be held on Friday, May 21, 2004 at 9:00 a.m. in the Detroit/Wayne County Port Authority Office.